

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHEECKO GILBERT,

Petitioner,

v.

**LORIE DAVIS, Director
TDCJ-CID,**

Respondent.

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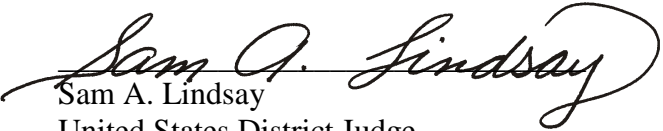
Civil Action No. **3:19-CV-1570-L**

ORDER

On July 11, 2019, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 5) was entered, recommending that Petitioner’s habeas petition be construed as successive and transferred to the United States Court of Appeals for the Fifth Circuit. Petitioner’s objections to the Report were docketed on July 30, 2019. Petitioner contends that the Report fails to mention the Texas Court of Criminal Appeals’ remand, and he asserts that he was not aware of the Special Order 3 in this case.

Having reviewed the pleadings, file, record in this case, and Report, and having conducted a de novo review of that portion of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **overrules** Petitioner’s objections. Accordingly, the court determines that it lacks jurisdiction to consider this successive habeas petition and **directs** the clerk of the court to **transfer** the successive habeas petition in this case to the Fifth Circuit to determine whether Petitioner should be allowed to proceed with this habeas petition.

It is so ordered this 13th day of September, 2019.


Sam A. Lindsay
United States District Judge